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HANCOCK & ESTABROOK, LLP 1500 MONY Tower I PO Box 4976			EXAMINER	
			FEELY, MICHAEL J	
Syracuse, NY 13221-4976				
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			1712	5
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Please find below and/or attached an Office communication concerning this application or proceeding.

		\mathcal{M}				
	Application No.	Applicant(s)				
Office Action Summary	09/891,549	BEREJKA ET AL.				
Office Action Summary	Examin r	Art Unit				
The MAILING DATE of this communication and	Michael J Feely	1712				
The MAILING DATE of this communication app Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	86(a). In no event, however, may a reply be tin within the statutory minimum of thirty (30) day ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on 26 J	<u>une 2001</u> .					
2a) This action is FINAL . 2b)⊠ Thi	s action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims						
4)⊠ Claim(s) <u>1-43</u> is/are pending in the application						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-5,8,10-14,21-29,32 and 34-43</u> is/are rejected.						
7) Claim(s) 6,7,9,15-20,30,31,33,40 and 41 is/are objected to.						
8) Claim(s) are subject to restriction and/or	·					
Application Papers						
9)☐ The specification is objected to by the Examiner	·.					
10)⊠ The drawing(s) filed on <u>04 September 2001</u> is/are: a)⊠ accepted or b)⊡ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) The proposed drawing correction filed on is: a) □ approved b) □ disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
 3. Copies of the certified copies of the prior application from the International Bur * See the attached detailed Office action for a list of the prior action f	eau (PCT Rule 17.2(a)).	_				
14) Acknowledgment is made of a claim for domestic						
a) ☐ The translation of the foreign language pro 15)☐ Acknowledgment is made of a claim for domesti	visional application has been rec	eived.				
Attachment(s)	, , , , , , , , , , , , , , , , , , , ,					
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> 	5) Notice of Informal F	r (PTO-413) Paper No(s) Patent Application (PTO-152)				
S. Patent and Trademark Office						

DETAILED ACTION

Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 11-14 and 41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 11 and 12, the language "an aliphatic monofunctional or multifunctional acrylate or methacrylate" could be interpreted as: [aliphatic monofunctional or multifunctional acrylate] or [methacrylate]; or [aliphatic monofunctional or multifunctional acrylate] or [aliphatic monofunctional or multifunctional methacrylate]. The claim should be reworded as – A curable blend according to claim 1 wherein the reactive component is selected from the group consisting of: an aliphatic monofunctional acrylate, an aliphatic multifunctional acrylate, an aliphatic monofunctional methacrylate, or an aliphatic multifunctional methacrylate.—

Regarding claims 13 and 14, the language, "a polyoxyalkylene monofunctional or multifunctional acrylate or methacrylate" could be interpreted as: [polyoxyalkylene monofunctional or multifunctional acrylate] or [methacrylate]; or [polyoxyalkylene monofunctional or multifunctional acrylate] or [polyoxyalkylene monofunctional or multifunctional methacrylate]. The claim should be reworded as – A curable blend according to claim 1 wherein the reactive component is selected from the group consisting of: a polyoxyalkylene monofunctional acrylate, a polyoxyalkylene multifunctional acrylate, a

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polyoxyalkylene monofunctional methacrylate, or a polyoxyalkylene multifunctional

methacrylate.-

3. Claim 41 states that "the metal is a substrate is a metal that *couples* in a radiofrequency

induction field to generate heat and initiate catalyst activity." It is unclear what this language is

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trying to convey. Clarification is required.

4. Claims 39-43 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete

for omitting essential steps, such omission amounting to a gap between the steps. See MPEP

§ 2172.01. The omitted steps are: curing the resin blend. The claims disclose a step of

"exposing" the blend to radiant energy, thermal energy, or both radiant and thermal energy;

however, they fail to claim the curing step of the process, as set forth in pages 7-9 of the

Specification. "Exposure" to energy, to some degree, is an inherent condition, and depending on

the dosage, would not necessarily initiate the curing process of the claimed composition.

Claim Objections

5. Claims 40 and 41 are objected to because of the following informalities: in claim 40, "is

member selected from" should be replaced with -is a member selected from-. Appropriate

correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

A person shall be children to a patent unless -

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7. Claims 1-3, 8, 11, 23-24, 25-27, 32, and 37-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Marks et al. (US Pat. No. 4,421,806).

Regarding claims 1-3, 8, 11, and 23-24 Marks et al. disclose (1) a curable homogeneous blend (column 2, line 65 through column 3, line 14) comprising: (a) a 1,2-polybutadiene oligomer having a number average molecular weight (Mn) of about 500 Daltons to about 50,000 Daltons (column 3, lines 15-27), (b) a bisphenol-A derivative that is end-capped with acrylate functionality (column 7, lines 5-13 and 25-30), and (c) a reactive component that has at least one terminal double bond and that enhances the compatibility between the 1,2-polybutadiene oligomer and the acrylated bisphenol-A derivative (column 4, lines 25-50; column 5, lines 4-25); (2) wherein the 1,2-polybutadiene oligomer has a number average molecular weight (Mn) of about 1,000 to about 5,000 Daltons (column 3, lines 15-27); (3) wherein the 1,2-polybutadiene oligomer is a butadiene homopolymer (column 3, lines 15-27); (8) wherein the 1,2-polybutadiene oligomer is present in the blend in an amount of about 5% to about 50% based on weight (column 5, lines 20-25); (11) wherein the reactive component is selected from the group consisting of: an aliphatic monofunctional acrylate, an aliphatic multifunctional acrylate, an aliphatic monofunctional methacrylate, or an aliphatic multifunctional methacrylate (column 5, lines 4-25); (23) further comprising a ground state catalyst that initiates free radical crosslinking upon exposure to heat (column 6, lines 14-54); and (24) wherein the ground state catalyst is a peroxide (column 6, lines 14-54).

Regarding claims 25-27, 32, and 37-38, Marks et al. disclose (25) a coated substrate comprising a crosslinked composition prepared from a homogenous blend (column 1, line 65 through column 2, line 18) comprising: (a) a 1,2-polybutadiene oligomer having a number

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average molecular weight (Mn) of about 500 Daltons to about 50,000 Daltons (column 3, lines 15-27), (b) a bisphenol-A derivative that is end-capped with acrylate functionality (column 7, lines 5-13 and 25-30), and (c) a reactive component that has at least one terminal double bond and that enhances the compatibility between the 1,2-polybutadiene oligomer and the acrylated bisphenol-A derivative (column 4, lines 25-50; column 5, lines 4-25); (26) wherein the 1,2-polybutadiene oligomer has a number average molecular weight (Mn) of about 1,000 to about 5,000 Daltons (column 3, lines 15-27); (27) wherein the 1,2-polybutadiene oligomer is a butadiene homopolymer (column 3, lines 15-27); (32) wherein the 1,2-polybutadiene oligomer is present in the blend in an amount of about 5% to about 50% based on weight (column 5, lines 20-25); (37) further comprising a ground state catalyst that initiates free radical crosslinking upon exposure to heat (column 6, lines 14-54); and (38) wherein the ground state catalyst is a peroxide (column 6, lines 14-54).

Claim Rejections - 35 USC § 102/103

- 8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 9. Claims 4-5 and 28-29 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Marks et al. (US Pat. No. 4,421,806).

Regarding claims 4-5 and 28-29, Marks et al. do not explicitly disclose that the butadiene homopolymer contains an amount of 1,4-polybutadiene in an amount up to about 60% by weight, based on the weight of the polybutadiene oligomer.

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Marks et al. disclose, "Commercially available "1,2" material may be used. Such poly(1,2-butadiene) is generally not absolutely isomerically pure, rather it is at least about 80% 1,2-isomer and preferably it is at least about 85% 1,2-isomer," (column 3, lines 18-22). Based on this disclosure, the 1,2-polybutadiene would have inherently comprised 1,4-isomer within the claimed range.

Therefore, if not explicitly disclosed in the reference, then the teachings would have been obvious to one of ordinary skill in the art at the time of the invention.

Claim Rejections - 35 USC § 103

10. Claims 39-40, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks et al. (US Pat. No. 4,421,806).

Regarding claims 39-40, Marks et al. disclose a process for preparing a coated substrate comprising: (b) applying a coating to the substrate (column 10, lines 5-16) wherein the coating comprises a homogeneous blend (column 2, line 65 through column 3, line 14) comprising: (x) a 1,2-polybutadiene oligomer having a number average molecular weight (Mn) of about 500 Daltons to about 50,000 Daltons (column 3, lines 15-27), (y) a bisphenol-A derivative that is end-capped with acrylate functionality (column 7, lines 5-13 and 25-30), and (z) a reactive component that has at least one terminal double bond and that enhances the compatibility between the 1,2-polybutadiene oligomer and the acrylated bisphenol-A derivative (column 4, lines 25-50; column 5, lines 4-25).

Marks et al. do not explicitly disclose the step of (c) exposing the homogeneous blend to radiant energy; however, unless the coated substrate is sustained in a shielded environment free of light, it would have inherently been "exposed" to some degree to at least one of the radiant

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energy sources selected from the group consisting of electron beam, ultraviolet, radiofrequency, infrared, and combinations thereof.

Marks et al. also do not explicitly disclose the step of (a) obtaining a substrate with a clean surface; however, it is well known in the coating arts to provide a clean surface to optimize coating adhesion to the substrate.

Therefore, if not explicitly taught in the reference, then the teachings would have been obvious to one of ordinary skill in the art at the time of the invention.

Regarding claims 42 and 43, Marks et al. disclose a process for preparing a coated substrate comprising: (b) applying a coating to the substrate (column 10, lines 5-16) wherein the coating comprises a homogeneous blend (column 2, line 65 through column 3, line 14) comprising: (w) a 1,2-polybutadiene oligomer having a number average molecular weight (Mn) of about 500 Daltons to about 50,000 Daltons (column 3, lines 15-27), (x) a bisphenol-A derivative that is end-capped with acrylate functionality (column 7, lines 5-13 and 25-30), (y) a reactive component that has at least one terminal double bond and that enhances the compatibility between the 1,2-polybutadiene oligomer and the acrylated bisphenol-A derivative (column 4, lines 25-50; column 5, lines 4-25), and (z) a ground state catalyst that initiates free radical crosslinking upon exposure to heat (column 6, lines 14-53); and (c) exposing the homogeneous blend to thermal energy (column 10, lines 5-16).

Marks et al. do not explicitly disclose the step of (a) obtaining a substrate with a clean surface; however, it is well known in the coating arts to provide a clean surface to optimize coating adhesion to the substrate.

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Marks et al. also do not explicitly disclose the step of exposing the homogeneous blend to both thermal and radiant energy; however, unless the coated substrate is sustained in a shielded environment free of light, it would have inherently been "exposed" to some degree to at least one of the radiant energy sources disclosed by the Applicant.

Therefore, if not explicitly taught in the reference, then the teachings would have been obvious to one of ordinary skill in the art at the time of the invention.

11. Claims 1-3, 8, 10-14, 21-22, 25-27, 32, 34-36, and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Victor et al. (US Pat. No. 6,127,094).

Regarding claim 1, Victor et al. disclose a curable homogeneous blend (column 3, line 43 through column 4, line 13) comprising: (a) a 1,2-polybutadiene oligomer having a number average molecular weight (Mn) of about 500 Daltons to about 50,000 Daltons (column 7, lines 40-65); and mixture of components (column 7, line 8-9) selected from: (b) a bisphenol-A derivative that is end-capped with acrylate functionality (column 6, line 56 through column 7, line 9), and (c) a reactive component that has at least one terminal double bond and that enhances the compatibility between the 1,2-polybutadiene oligomer and the acrylated bisphenol-A derivative (column 6, line 56 through column 7, line 9).

Victor et al. do not explicitly disclose the combination of (b) and (c); however the disclosure of "as well as mixtures of any two or more thereof," (column 7, lines 8-9) provides evidence that such a combination would have been obvious.

Therefore it would have been obvious to use both (b) and (c) in the homogeneous blend of Victor et al. because Victor et al. disclose a composition comprising (a) and a mixture of

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components selected from a group comprising (b) and (c), resulting in a water-developable photopolymerizable composition useful for the preparation of printing plates.

Regarding claims 2-3, 8, 10-14, and 21-22, Victor et al. disclose the blend according to claim 1, (2) wherein the 1,2-polybutadiene oligomer has a number average molecular weight of about 1,000 to about 5,000 Daltons (column 7, lines 40-65); (3) wherein the 1,2-polybutadiene oligomer is a butadiene homopolymer (column 7, lines 40-65); (8) wherein the 1,2-polybutadiene oligomer is present in the blend in an amount of about 5% to about 50% based on weight (column 3, line 62 through column 4, line 8); (10) wherein the bisphenol-A derivative is ethoxylated (column 7, line 7); (11) wherein the reactive component is selected from the group consisting of: an aliphatic monofunctional acrylate, an aliphatic multifunctional acrylate, an aliphatic monofunctional methacrylate, or an aliphatic multifunctional methacrylate (column 6, line 56 through column 7, line 9); (12) wherein the acrylate or methacrylate is a member selected from the group consisting of: isodecyl acrylate, lauryl acrylate, lauryl methacrylate, nonyl phenyl acrylate, an dodecyl acrylate (column 6, line 56 through column 7, line 9); (13) wherein the reactive component is selected from the group consisting of: a polyoxyalkylene monofunctional acrylate, a polyoxyalkylene multifunctional acrylate, a polyoxyalkylene monofunctional methacrylate, or a polyoxyalkylene multifunctional methacrylate (column 6, line 56 through column 7, line 9); (14) wherein acrylate or methacrylate is selected from the group consisting of: 2(2-ethoxyethoxy) ethyl acrylate, 2[2-(2-ethoxyhexyloxy)ethoxy] ethyl acrylate, di(ethylene glycol) dimethacrylate, di(propylene glycol) diacrylate, and trimethylolpropane triacrylate (column 6, line 56 through column 7, line 9); (21) further comprising a photoinitiator that initiates free radical crosslinking upon exposure to light (column 7, lines 17-39); and (22)

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wherein the photoinitiator is a member selected from the group consisting of (2,6-dimethoxybenzoyl)-2,4,4-trimethylpentyl phosphine oxide, 2-hydroxy-2-methyl-1-phenyl-propane-1, 1-hydroxy-cyclohexyl phenyl ketone, benzophenone and mixtures thereof (column 7, lines 17-39).

Regarding claims 25-27, 32, and 34-36, the rejection of claim 1 over Victor et al. is as set forth above and incorporated herein. Victor et al. disclose (25) a coated substrate (Abstract) wherein the coating comprises a crosslinked composition prepared from a homogeneous blend (column 3, line 43 through column 4, line 13) comprising: (a) a 1,2-polybutadiene oligomer having a number average molecular weight (Mn) of about 500 Daltons to about 50,000 Daltons (column 7, lines 40-65); and mixture of components (column 7, line 8-9) selected from: (b) a bisphenol-A derivative that is end-capped with acrylate functionality (column 6, line 56 through column 7, line 9), and (c) a reactive component that has at least one terminal double bond and that enhances the compatibility between the 1,2-polybutadiene oligomer and the acrylated bisphenol-A derivative (column 6, line 56 through column 7, line 9); (26) wherein the 1,2polybutadiene oligomer has a number average molecular weight of about 1,000 to about 5,000 Daltons (column 7, lines 40-65); (27) wherein the 1,2-polybutadiene oligomer is a butadiene homopolymer (column 7, lines 40-65); (32) wherein the 1,2-polybutadiene oligomer is present in the blend in an amount of about 5% to about 50% based on weight (column 3, line 62 through column 4, line 8); (34) wherein the bisphenol-A derivative is ethoxylated (column 7, line 7); (35) further comprising a photoinitiator that initiates free radical crosslinking upon exposure to light (column 7, lines 17-39); and (36) wherein the photoinitiator is a member selected from the group consisting of (2,6-dimethoxybenzoyl)-2,4,4-trimethylpentyl phosphine oxide, 2-hydroxy-2Art Unit: 1712

methyl-1-phenyl-propane-1, 1-hydroxy-cyclohexyl phenyl ketone, benzophenone and mixtures thereof (column 7, lines 17-39).

Regarding claims 39-41, the rejection of claim 1 over Victor et al. is as set forth above and incorporated herein. Victor et al. disclose (39) a process for preparing a coated substrate (Abstract) comprising: (b) applying a coating to the substrate wherein the coating comprises a homogeneous blend (column 3, line 43 through column 4, line 13) comprising: (x) a 1,2-polybutadiene oligomer having a number average molecular weight (Mn) of about 500 Daltons to about 50,000 Daltons (column 7, lines 40-65); and mixture of components (column 7, line 8-9) selected from: (y) a bisphenol-A derivative that is end-capped with acrylate functionality (column 6, line 56 through column 7, line 9), and (z) a reactive component that has at least one terminal double bond and that enhances the compatibility between the 1,2-polybutadiene oligomer and the acrylated bisphenol-A derivative (column 6, line 56 through column 7, line 9); and (c) exposing the homogeneous blend to radian energy (column 12, line 49 through column 7, line 8); (40) wherein the radiant energy is derived from a source which is a member selected from the group consisting of electron beam, ultraviolet, radiofrequency, infrared, and combinations thereof (column 12, line 49 through column 7, line 8); and (41) wherein the substrate is a metal (column 12, lines 13-23).

Victor et al. do not explicitly disclose the step of (a) obtaining a substrate with a clean surface; however, it is well known in the coating arts to provide a clean surface to optimize coating adhesion to the substrate.

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Victor et al. also do not explicitly disclose that the metal substrate "couples in a radiofrequency induction field to generate heat and initiate catalyst activity"; however, this property would have been inherent of the metal substrate.

Therefore, if not explicitly taught in the reference, then the teachings would have been obvious to one of ordinary skill in the art at the time of the invention.

12. Claims 4-5 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Victor et al. (US Pat. No. 6,127,094) in view of Marks et al. (US Pat. No. 4,421,806).

Regarding claims 4-5 and 28-29, Victor et al. are silent regarding the butadiene homopolymer containing an amount of 1,4-polybutadiene in an amount up to about 60% by weight based on the weight of the butadiene homopolymer.

Marks et al. disclose, "Commercially available "1,2" material may be used. Such poly(1,2-butadiene) is generally not absolutely isomerically pure, rather it is at least about 80% 1,2-isomer and preferably it is at least about 85% 1,2-isomer," (column 3, lines 18-22). Based on this disclosure, the 1,2-polybutadiene would have inherently comprised 1,4-isomer with in the claimed range.

Therefore, if not explicitly taught in the reference, then the teachings would have been obvious to one of ordinary skill in the art at the time of the invention.

Allowable Subject Matter

13. Claims 6-7, 9, 15-20, 30-31, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Regarding claims 6-7 and 30-31, the prior fails to teach or suggest the composition of claim 1 or the coated article of claim 25, wherein the 1,2-polybutadiene oligomer is a copolymer, and wherein the copolymer is prepared from a butadiene and a vinyl monomer that is a member selected from the group consisting of: styrene, vinyl acetate, divinyl benzene, isoprene, chloroprene, alkyl acrylates, alkyl methacrylates, ethylene, propylene, butylenes and mixtures thereof.

Regarding claims 9 and 33, the prior art fails to teach or suggest the composition of claim 1 or the coated article of claim 25, wherein the bisphenol-a derivative is prepared from epichlorohydrin and bisphenol-A.

Regarding claims 15-20, the prior art fails to teach or suggest the composition of claim 1 wherein: the reactive component is a compound with a long chain alkyl or alkoxy segment, and wherein it is selected form alkoxylated nonyl phenol acrylate and alkoxylated nonyl phenol methacrylate; wherein the reactive component is a heterocyclic reactive organic compound, and wherein it is selected from n-vinyl pyrrolidone and methyl-n-vinyl pyrrolidone; and wherein the composition further comprises a hydroxy functional adhesion promoter, and wherein it is selected from hydroxyethyl methacrylate and ethoxylated hydroxyethyl methacrylate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Feely whose telephone number is 703-305-0268. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson can be reached on 703-308-2340. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Michael J. Feely August 22, 2002

Robert Dawson Supervisory Patent Examiner Technology Center 1700

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